

REMARKS/ARGUMENTS

The claims are 2-9. Claims 7-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Stanchfield U.S. Patent No. 6,860,074*. Claims 2-3 and 5-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Stanchfield* in view of *Neuhofe U.S. Design Patent No. D542,941*. Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Stanchfield* in view of *Neuhofe* and further in view of *Kemper U.S. Patent No. 6,345,480*.

The Examiner's rejections are respectfully traversed and reconsideration is expressly requested.

As set forth in claim 9, Applicant's invention provides a profiled cover made of an extruded profile for floor coverings. The profiled cover includes a covering flange, at least one clamping web protruding downward from the covering flange, extending in a longitudinal direction of the profiled cover and fastening the profiled cover to a fixture, a compensating strip

fastened to the covering flange, and a form-fitting tongue and groove joint fastening the compensating strip to the covering flange. As recited in claim 9, the tongue and groove joint include at least one longitudinal groove in an underside of the covering flange for retaining a tongue projecting into the groove from the compensating strip, the section of the covering flange in which the groove is located being supported flat over the floor coverings they cover. In this way, Applicant's invention provides a profiled cover that is able to fulfill the requirements for the exact fit of a profiled cover and compensation strip while still being simple to manufacture.

Those of ordinary skill in the art of floor coverings readily recognize that a connecting groove in an underside of a covering flange decisively weakens the flange. Thus, covering flanges known in the art have almost exclusively been made without grooves on their underside. None of the prior art cited by the Examiner discloses a covering flange with a groove on its underside, except for *U.S. Patent Application Publication No. 2003/0159389* to *Kornfalt et al.* in FIGS. 13A and 13B. This

groove shown in *Kornfalt et al.* is made by an empty space between two walls 1380 and 1381 projecting from the covering flange downward and is not made by leaving an indentation in the body of the covering flange itself. These projections 1380 and 1381 prevent this section of the covering flange from being supported flat over the floor coverings they cover, so that covering flange is still weakened according to the expectations of those of skill in the art, as described above. Only by cutting away projections 1380 and 1381 would the covering flange be supported flat over the floor coverings, as is accomplished by Applicant's invention as recited in claim 9.

Applicant's profiled cover as recited in claim 9 achieves the unexpected result of avoiding a weakened covering flange and providing a versatile covering device that can cover floor coverings with a greater variety of heights. As described previously, the section of the covering flange in which the groove is located is supported flat over the floor covering that it covers. The section of the covering flange with a groove on its underside, into which the tongue of a compensating strip

fits, also is supported flat over the compensating strip so that the covering flange is not weakened in operation by the presence of this second groove.

Applicant's profiled cover as recited in claim 9 also achieves an unexpected versatility in comparison to the prior art because the covering device can be used to cover floor coverings of a greater variety of heights. A side of Applicant's covering flange with a groove could be placed over a floor panel and a compensating strip with a tongue, and can alternatively be placed directly on a floor panel. In contrast, the covering devices as known in the prior art, as shown in *U.S. Patent Application Publication No. 2003/0154678* to *Stanchfield*, have lugs (tongues) (18 in FIG. 1) on the underside of the covering flange (12 in FIG. 1) and cannot be placed effectively directly onto floor panels, because the lug (tongue) that projects from the underside of the covering flange would interfere with the resting of the covering flange directly on a floor panel. The lug (tongue) of the covering flanges of the prior art would need to be cut off for the covering flange to effectively rest directly on a floor

panel. Thus, even if the Examiner is correct that the elements of Applicant's covering device were known in the prior art in a different arrangement, these unexpected results from the Applicant's combination of the elements rebut and overcome the obviousness determination made by the Examiner.

Contrary to the Examiner's position, none of the cited references discloses or suggests a profiled cover having the structure recited in claim 9 or teach the benefits of a tongue and groove joint formed by at least one longitudinal groove in an underside of the covering flange for retaining a tongue projecting into the groove from a compensating strip. As the Examiner has recognized, *Stanchfield* fails to disclose or suggest such a structure. Although the Examiner has taken the position that it would have been obvious to a person skilled in the art to move the groove 42 to the cover 12, it is respectfully submitted that the Examiner's position is incorrect.

As discussed above, one skilled in the art would not move the groove of the tongue groove connection between the cover

flange and the equalization strip to the underside of the cover profile because the cover flange would be decisively weakened as a result. For this reason, *Stanchfield* shows that the tongue 18 always lies on the underside of the cover flange and the groove lies in the equalization strip.

In fact, as mentioned above, the only prior art in which the groove is moved to the underside of the cover flange of the cover profile is *Kornfalt et al.* which is not relied on by the Examiner. In *Kornfalt et al.*, projections are provided that project away from the underside of the cover flange. These projections that project beyond the underside of the cover flange, however, have the disadvantage that they prevent area contact of the cover flange with a floor covering on the side of these projections that delimit these grooves unless these projections are cut away. Thus, as recited in Applicant's claim 9 the cover profile 4 can be laid flat on both sides of the clamping cross piece 7 that projects downward onto floor coverings 1 that follow on both sides as must be the case if this cover profile merely covers an expansion joint between two floor

coverings 1 of equal height which is by no means the case in *Stanchfield* and which it is respectfully submitted cannot be made obvious by *Stanchfield* for the reasons set forth previously.

Claim 2 is dependent on claim 9 and further specifies that the compensating strip has the basic form of an angle section with two legs, with the leg having the tongue being adjacent to an underside of the covering flange of the profiled cover and the other forming an extension of the profile cover extending downward. It is respectfully submitted that this feature is nowhere disclosed or suggested by *Stanchfield*. Although the Examiner relies on the secondary reference to *Neuhofe*r as disclosing this feature, it is respectfully submitted that the Examiner's position is unfounded. The equalization strip according to *Neuhofe*r does not represent an angle profile that rests against the cover flange with one shank and forms an extension of the cover profile that drops downward with the other flank. Instead, the equalization strip according to *Neuhofe*r shows a compact strip body having a longitudinal groove that serves for attachment of the equalization strip to a clamping

crosspiece of a floor holder device. Accordingly, it is respectfully submitted that claim 2 is patentable for this additional reason.

Claim 3 is dependent on claim 2 and further specifies that the compensating strip is provided with at least one supporting leg projecting from the leg with the tongue. Thus, an additional protective crosspiece is required, which projects away downward from the shank of the equalization strip having the engagement projection. The part of the equalization strip of *Neuhofe*r indicated with 5 relied on by the Examiner, however, cannot yield such a support crosspiece because this part 5 has a lesser height than the part 3. The part 5 can at most be compared with the coupling projection 16 according to Applicant's claim 4; however, the support crosspiece required according to claim 3 is absent in *Neuhofe*r. Accordingly, it is respectfully submitted that claim 3 is patentable over the cited references for this additional reason.

As set forth in claim 7, Applicant's invention provides a

method for the production of a profiled cover and at least one compensating strip for a covering device for floor coverings in accordance with claim 9. As recited in claim 7, the extruded profile firstly is produced. The cross-section of the extruded profile consists of the cross-sections of the profiled cover and at least one compensating strip, with the strip being connected to the subsequent profiled cover by means of a connecting land serving as a spacer. Then the compensating strip is separated from the profiled cover with a separating cut through the connecting land.

Whereas Applicant's covering device is not obvious to one of ordinary skill in the art, as explained above, it is also not obvious to one of ordinary skill in the art to produce Applicant's covering device. Therefore claims 7 and 8 for the method for the production of Applicant's covering device should be allowed as patentable over the cited prior art reference of *Stanchfield*.

Moreover, it is respectfully submitted that none of the

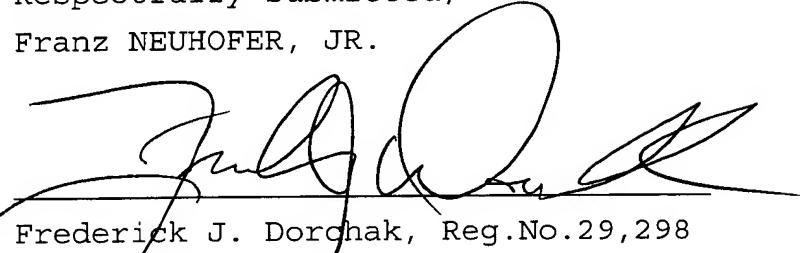
cited references discloses or suggests a method for the production of a profiled cover having the specific process steps recited in claim 7, including the connection crosspieces as recited therein. Accordingly, it is respectfully submitted that claim 7, together with claim 8 which depends thereon, is patentable over the cited references.

The remaining reference to *Kemper* which has been cited with respect to claim 4 has been considered but is believed to be no more relevant. Like *Stanchfield* and *Neuhofe*, *Kemper* fails to disclose or suggest a profiled cover made of an extruded profile for floor coverings wherein the tongue and groove joint includes at least one longitudinal groove in an underside of the covering flange for retaining a tongue projecting into the groove on the compensating strip, the section of the covering flange in which the groove is located being supported flat over the floor coverings they cover.

Accordingly, it is respectfully submitted that all claims are patentable over the cited references.

In view of the foregoing, withdrawal of the final action and allowance of this application are respectfully requested.

Respectfully submitted,  
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